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No. 1210

IN THE

Supreme Court of the United States

OCTOBER TERM, 1969

SOUTH HILL NEIGHBORHOOD ASSOCIATION INC., ET AL.,
Petitioners,

v.

GEORGE ROMNEY, Secretary of Housing and Urban Development, ET AL., *Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

MOTION FOR LEAVE TO FILE BRIEF AND BRIEF AMICUS CURIAE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES IN SUPPORT OF PETITION FOR CERTIORARI

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BRIEF AMICUS CURIAE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES IN SUPPORT OF PETITION FOR CERTIORARI

This brief *amicus curiae* is submitted by the National Trust for Historic Preservation in the United States ("National Trust").[1] The National Trust is the leading national organization in the field of historic preservation. It was chartered by Congress in 1949 as a "charitable, educational and non-profit" corporation

[1] Although the petitioners and the Solicitor General have consented to the filing of this brief, certain respondents have not; a motion for leave to file this brief *amicus curiae* is therefore attached as an Annex. Since the Attorney General is by statute a member of the Board of Trustees of the National Trust (16 U.S.C. § 486b), he did not participate in the Trust's decision to file this brief.

"to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest," and to preserve and administer historical properties significant in american history and culture for the public benefit. 63 Stat. 927, 16 U.S.C. § 468. Today the National Trust has approximately 20,000 contributing members, including hundreds of national, state and local organizations dedicated to historic preservation. In addition to owning and maintaining important historic properties, the National Trust furthers the cause of historic preservation through extensive advisory and educational services.

The National Trust supports the petition for certiorari in this case because the decisions below represent a severe threat to the cause of historic preservation in the United States. Directly at issue is the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. § 470. The Act, which was passed with the support and encouragement of the National Trust, reflects serious and mounting congressional concern to protect and preserve historic sites and buildings.[2] The preamble to the Act declares that "the historic and cultural foundations of the nation should be preserved as a living part of our community life and development." While stressing that private agencies have and should continue to play a vital role in historic preservation

[2] Previous legislation in support of historic preservation includes the National Monument Act of 1906, 34 Stat. 225, 16 U.S.C. §§ 431-433; the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. §§ 461-467; the act creating the National Trust, Act of Oct. 26, 1949, Pub. L. No. 81-408, 63 Stat. 927, 16 U.S.C. § 468; and provisions in the Housing and Urban Development Act of 1965, 79 Stat. 477, authorizing federal assistance for relocation of historic properties in urban renewal areas. Title VI of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1278, authorizes federal assistance for historic preservation in connection with urban renewal.

efforts, the Act states that present governmental historic preservation programs and activities are inadequate to protect historic properties against "ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments."

The Act establishes a National Register of historic properties and an Advisory Council on Historic Preservation, and authorizes federal matching grants-in-aid for historic preservation projects. In order to protect historic properties from destruction by other federal or federally assisted activities, Section 106 of the Act, 16 U.S.C. § 470f, provides that:

> "The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking."

The courts below held that concerned historic preservation organizations and the owners of historic properties listed on the National Register lack standing to complain of violations of Section 106 by federal officials that threaten destruction of such properties. Since these groups are the only ones likely to complain of such violations, this ruling effectively renders Section 106 unenforceable. The courts further held that Section 106 does not protect historic properties threatened by federally assisted projects unless the prop-

erties have been listed on the National Register before the initial plan for a project or a formal amendment thereto is approved by federal officials. This holding greatly increases the vulnerability of historic properties to destruction by federally funded activities.

ISSUES PRESENTED

Section 106 of the National Historic Preservation Act of 1966 provides that the head of any federal agency with jurisdiction over federal or federally assisted undertakings shall take into account the effect of the undertaking on any historic property listed on the National Register prior to approving the expenditure of federal funds on the undertaking, and shall also afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The questions presented are:

1. Whether historic preservation organizations with a demonstrated special interest in historic properties listed on the National Register and owners of such properties lack standing to complain of violations of Section 106 that threaten destruction of such properties.

2. Whether Section 106 should be construed in a manner that will substantially deprive historic properties listed on the National Register of protection from destruction by urban renewal projects and other federally assisted activities.

STATEMENT OF THE CASE

This controversy directly involves the fate of 14 historic buildings located on the 100, 200, and 300 blocks of West High Street in Lexington, Kentucky. These buildings, which have long been recognized as historic properties because of their age, architecture, and his-

tory, were listed on the National Register for historic properties on July 10, 1969. Notice of this listing was published in the Federal Register on August 5, 1969, 34 Fed. Reg. 12722 (daily ed.). Seven of the buildings have already been demolished by a federally assisted urban renewal project of the Lexington Urban Renewal and Community Development Agency ("Renewal Agency"). The remaining seven buildings are threatened with destruction by the project.[3]

This project was initially approved by the Department of Housing and Urban Development ("HUD") under a Loan and Capital Grant Contract on June 7, 1966. As initially approved, the plan provided that all improvements in the project area, including the 14 historic buildings involved here, would be cleared and the entire project area would be used for commercial purposes. On October 18, 1968, HUD approved a formal amendment to the project plan which authorized an alternative use of historic preservation for the 200 block of West High Street, encompassing seven of the historic buildings. The alternative use of historic preservation was conditioned upon submission of an acceptable plan to restore and maintain the seven buildings. A second formal amendment to the project plan, relating largely to the alignment of streets, was approved by HUD on March 8, 1969.

The Renewal Agency advertised for bids to purchase a part of the renewal tract that included the seven historic buildings on the 200 block of West High Street.

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[3] Originally, three of the buildings were located on the 100 block of West High Street, seven on the 200 block, and four on the 300 block. There now remain three buildings on the 100 block, one on the 200 block, and three on the 300 block. The renewal plan calls for destruction of the remaining buildings.

Two bids were submitted and opened by the Renewal Agency on July 10, 1969, the same day that all 14 of the historic buildings were listed on the National Register. One bid, submitted by a bank, called for destruction of the seven historic buildings and erection of an office building. The other bid, submitted by a local historic preservation organization, Historic Lexington, Inc., called for restoration and preservation of the seven historic buildings.

On July 18, 1969, the Renewal Agency accepted the bank's bid. It rejected the historic preservation bid on the alleged ground that it did not comply with the Agency's bidding specifications. HUD approved the Renewal Agency's acceptance of the bank's bid on July 29, 1969. On October 14, 1969, HUD approved the Renewal Agency's selection of a contractor to demolish the seven historic buildings on the 200 block of West High Street in order to clear the land for disposition to the bank. Demolition was begun the same day.

Plaintiffs immediately commenced an action in the state courts against the bank, the demolition contractor, and local officials to restrain destruction of the buildings. The state court action was eventually dismissed for failure to state a claim under state law.

This action was commenced in the United States District Court for the Eastern District of Kentucky on October 17, 1969. Plaintiffs include South Hill Neighborhood Association, Inc., an organization dedicated to historic preservation and composed of citizens living near the renewal area; the Blue Grass Trust for Historic Preservation, Inc., a local historic preservation organization that is a member of the National

Trust; and individuals who own two of the remaining seven historic buildings, located on the 300 block of West High Street.[4] Defendants include the Secretary of Housing and Urban Development and the Lexington Renewal Agency and its members. Relying in part on asserted violations of Section 106 of the National Historic Preservation Act of 1966, the action sought to restrain destruction of the 14 historic buildings.

The action was dismissed without trial by the District Court, which held that plaintiffs did not have standing to complain of violations of Section 106. The court further stated that even if plaintiffs had standing, the action would still be dismissed because the National Register listing of the properties occurred after HUD had approved the initial project plan and formal amendments to the plan, and Section 106 was therefore inapplicable. Summarily affirming, the Court of Appeals stated that the grounds relied upon by plaintiffs were insubstantial.

REASONS FOR GRANTING THE WRIT

I.

Certiorari should be granted because the holding below that plaintiffs lack standing to complain of violations of Section 106 of the Act is squarely contrary to the broadened law of standing recently approved by this Court in *Association of Data Processing Services Organizations, Inc.* v. *Camp,* 38 U.S.L.W. 4193 (U.S. March 3, 1970), and *Barlow* v. *Collins,* 38 U.S. L.W. 4195 (U.S. March 3, 1970), and contrary to Congress' express intent that private organizations and

[4] All of these plaintiffs except the Blue Grass Trust are petitioners here.

individuals should play a central role in the federal program for historic preservation.

Data Processing held that one has standing to challenge agency action as unlawful if the interest he represents is "arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question" and the agency action adversely affects those interests. 38 U.S.L.W. at 4194. A person meeting this test is "aggrieved by agency action within the meaning of a relevant statute" and therefore has standing under the Administrative Procedure Act, 5 U.S.C. § 702. Although *Data Processing* upheld the standing of competitors based on their economic interest, the Court stressed that standing may be based on interests that reflect "'*aesthetic, conservational,* and *recreational*' as well as economic values." It stated that "We mention these *non-economic values* to emphasize that *standing may stem from them* as well as from . . . economic injury . . . ." *Ibid.* (emphasis supplied)

In *Barlow*, the Court invoked the *Data Processing* "zone of interests" test to hold that tenant farmers affected by a federal agricultural assistance program had standing to complain that the program was being administered contrary to the governing statute. *Barlow* and *Data Processing* represent a logical culmination of previous decisions of this Court and of courts of appeals, which had already established that intended beneficiaries of a federal statute have standing to challenge departures by federal administrative officials from statutory requirements. *See King* v. *Smith*, 392 U.S. 309 (1968); *Hardin* v. *Kentucky Utilities Co.*, 390 U.S. 1 (1968); *Peoples* v. *Department of Agriculture*, —— F.2d —— (D.C. Cir. No. 22,574, February

3, 1970); *Curran* v. *Laird*, —— F.2d —— (D.C. Cir. No. 21,040, November 12, 1969); *Norwalk CORE* v. *Norwalk Redevelopment Agency*, 395 F.2d 920 (2d Cir. 1968).

This broadening law of standing was ignored by the courts below in denying standing to two local historic preservation organizations. Such organizations fall within the "zone of interests" that the National Historic Preservation Act was designed to protect and therefore have standing to complain of violations of the Act by federal officials.

The obvious and basic purpose of the Act is to protect interests which historic preservation organizations represent. Moreover, the Act explicitly asserts that private historic preservation agencies "should continue to play a vital role" in historic preservation and expresses a purpose to "give maximum encouragement to agencies and individuals undertaking preservation by private means." Under the financial aid provisions of the Act federal funds are available for historic preservation projects by private organizations. The legislative history of the Act confirms Congress' recognition of the important role to be played by private historic preservation organizations in carrying out the purposes and provisions of the Act.[5] The stand-

[5] The committee reports and the floor debates repeatedly emphasize the role of historic preservation groups in implementing the Act's purposes. S. Rep. No. 1363, 89th Cong., 2d Sess. 6, 8-9 (1966); H. Rep. No. 1916, 89th Cong., 2d Sess. 5, 8 (1966); 112 Cong. Rec. 15167, 22956-7, 25938-8 (1966). The letter from the Secretary of Interior transmitting the bill that was eventually enacted stressed the need "to encourage on an accelerated basis the local initiative and support that is needed for preservation of our historic heritage." S. Rep. No. 1363, 89th Cong., 2d Sess. 13 (1966).

ing of historic preservation organizations is thus "[i]mplicit in the statutory provisions and their legislative history." *Barlow* v. *Collins, supra* at 4197.

The standing of historic preservation organizations under the "zone of interests" test is reinforced by sound policy considerations. Unless such organizations are afforded standing, Section 106 would in many instances be rendered unenforceable as a practical matter; other groups or individuals will often lack sufficient interest in historic preservation to challenge violations of the Act in the courts.[6] The situation here is thus analogous to cases where standing has been granted to interested citizens' organizations to vindicate the public interest in ensuring that administrative officials conform to congressional requirements. *See Office of Communication of United Church of Christ* v. *FCC*, 359 F.2d 994 (D.C. Cir. 1966); *Scenic Hudson Preservation Conference* v. *FPC*, 354 F.2d 608 (2d Cir. 1965).

The only concrete explanation advanced by the District Court for denying standing to the plaintiff historic preservation organizations was that they had not submitted a formal purchase bid on the seven historic properties on the 200 block of West High Street. But

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[6] Normally, the only other interested class of persons are the owners of the historic properties involved. The owners may often be indifferent to the fate of the properties once they have been condemned and compensation has been paid. Owners of only two out of the fourteen threatened properties participated in this action, whose primary impetus came from local historic preservation organizations and their members. Moreover, as we discuss subsequently, the courts below held that owners of historic properties also lack standing to complain of violations of Section 106.

one historic preservation organization did submit such a bid, and the plaintiff organizations participated in consultations and other efforts to persuade the Renewal Agency and HUD to accept the historic preservation proposal. The plaintiff organizations have also been active at both local and national administrative levels in efforts to save the other seven historic properties involved; the Renewal Agency has from the beginning ruled out any historic preservation proposals for them. In these circumstances, the District Court's requirement of a formal purchase bid as a prerequisite for standing constitutes a wholly artificial and unauthorized limitation of the "zone of interests" test established by *Data Processing*. The plaintiff organizations have demonstrated a sufficiently direct and concrete interest in this controversy to entitle them to standing.

In addition to denying standing to the plaintiff historic preservation organizations, the courts below held that the plaintiffs who own two of the threatened historic buildings listed on the National Register were without standing to protest violation of Section 106 of the Act. This ruling is also contrary to the law of standing approved in *Data Processing* and *Barlow*, for the owners of historic buildings are obviously within the "zone of interests" protected by an act that has as its purpose the preservation of such buildings.

The rulings below on standing effectively render Section 106 a dead letter. Local renewal agencies will in most instances strongly prefer profitable commercial reuse of land over historic preservation and, as this controversy demonstrates, federal administrators are not disposed on their own initiative to question such

preferences.[7] Historic preservation organizations and the owners of historic properties are the only groups likely to complain and to enforce compliance with Section 106. Unless such groups are afforded standing, the more than 1,600 historic properties now listed on the National Register and numerous additional properties expected to be listed in the future will be effectively deprived of congressionally imposed safeguards against destruction by urban renewal projects and by other federal or federally supported activities such as highway construction, public housing, and governmental and military installations. The issues involved are of far reaching significance and merit review by this Court.

II.

Certiorari should be granted because this case presents to the Court for the first time an important question concerning the operative scope of the National Historic Preservation Act of 1966. The courts below construed the Act in a manner that defeats its basic purposes and deprives historic properties of protection against heedless destruction.

At issue is the requirement in Section 106 of the Act that federal officials shall, "prior to the approval of the expenditure of any Federal funds" on a federal

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[7] HUD approved (although it did not initiate) an amendment to the project plan that would permit historic preservation as an alternative to commercial reuse for the properties on the 200 block of West High Street. But when the Renewal Agency rejected the historic preservation alternative and approved commercial reuse, HUD simply rubber-stamped the Renewal Agency's action without any apparent consideration of the fact that it would cause destruction of historic properties listed on the National Register or inquiry whether the alleged ground for the rejection—failure to comply with bidding requirements—was well founded.

or federally assisted undertaking, consider the effect of the undertaking on historic properties listed on the National Register. The courts below held that Section 106 applies only when HUD initially approves a renewal plan under a Loan and Grant Contract or approves a formal amendment to such a plan; if an historic property is thereafter listed on the National Register, HUD is not required to give any consideration to the fact that it will be destroyed by a renewal project. This narrow construction of the Act is not required by the statutory language, is wholly inconsistent with the Act's purposes, and is not supported by considerations of policy.

While the controlling statutory language *can* be read as limiting a government agency's duty to consider historic preservation to instances where it formally makes an initial or amended commitment to assist a project, it may be read also to impose such a duty when the agency exercises ongoing control over steps in a project's execution that threaten historic properties. Any significant step in executing a federally assisted project involves "expenditure of . . . Federal funds." By the same token, approval by a federal agency of any such step constitutes "approval of the expenditure of . . . Federal funds." On this view, HUD's approval in this case of the Renewal Agency's federally subsidized sale of land to the bank in place of historic preservation, and its approval of a federally subsidized contract for demolition of historic buildings represent "approval of the expenditure of . . . Federal funds" which threaten historic properties and thus call into play the requirements of Section 106.

The broader construction of the Act is supported by the fact that HUD's authority over federally assisted

urban renewal projects is by no means limited to passing upon Loan and Grant Contracts or amendments thereto. Planning and execution of such projects are governed by the Urban Renewal Handbook, a comprehensive body of HUD regulations running to many hundreds of pages. The regulations provide for detailed HUD scrutiny and control of every step of a project, including disposition of land to bidders and selection of contractors. See RHA 7209.1 Ch. 4 § 3 p. 2. In order to secure the Act's basic purpose of protecting historic properties, it should be construed to impose on HUD and other agencies a responsibility to consider a project's effect on historic properties that is coextensive with their authority over the project. This interpretation of the statute is also supported by the legislative history,[8] and by HUD's own regulations.[9]

[8] While not addressing itself to the precise issue presented here, the legislative history does stress Section 106's basic purpose to preserve historic properties. This purpose militates against the construction of the statute embraced by the courts below and in favor of the interpretation urged by petitioners. Also, Senator Jackson, the Chairman of the Senate Interior Committee, indicated that federal agencies must comply with Section 106 whenever a property listed on the National Register is threatened, regardless of when the listing occurs: "My point is, if you had a Federal register of such historical buildings and sites, then it would seem to me that the head of the agency would be on notice, and he would have to follow a certain procedure. Where such sites and historical buildings have been identified, a proposal for change of status should be submitted to the advisory group." Preservation of Historic Properties, Hearing before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs 26 (1966) [hereafter Senate Hearing].

[9] RHA 7207.1 Ch. 2 p. 4-3 provides that "No property in the project area that is listed on the National Register shall be removed, demolished or substantially altered by the [local agency] . . . without the prior concurrence of HUD. All such actions must

The refusal of the courts below to give effect to the statutory purpose will as a practical matter drastically curtail the protection afforded by the Act to historic properties and greatly increase their vulnerability to destruction. Its implications reach far beyond this case. Approximately 1,000 of the urban renewal projects in the nation (about half of the total number of such projects) were initially approved by HUD prior to the 1966 passage of the Act, which authorized the National Register. Under the decisions below, historic properties since listed on the National Register will enjoy virtually no protection against destruction by such projects.[10]

Moreover, the listing of historic properties on the National Register since 1966 has been a slow, careful process that will continue for a considerable time in the future. This fact, coupled with the long gestation period between initial approval and completion of urban renewal projects, exposes a high proportion of properties now listed or to be listed on the National Register to destruction by hundreds of other urban renewal projects initially approved prior to listing of

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be fully justified in the Part I Loan and Grant Application or in subsequent project amendatories, as appropriate." This regulation apparently requires a local renewal agency to file a project amendment to secure HUD approval before destroying a property listed on the National Register after initial approval of a project.

[10] Although the decision below would apparently require HUD to take into account the adverse effect on historic properties when approving formal amendments to a Loan and Grant Contract as well as when it initially approves a Contract, the requirement with respect to amendments would be of little practical significance. Initial renewal plans have generally not provided for any historic preservation; hence, amendments would generally have no additional adverse effect on historic properties.

such properties on the Register. This exposure of historic properties to destruction by urban renewal projects is a matter of grave concern because, as the Director of the National Park Service testified at the hearings on the Act, "the more critical issues in historic preservation face us today in our older cities, where, in the process of modernization and renewal, historic properties are theatened." [11]

Furthermore, the gap in protection decreed by the courts below is not limited to urban renewal projects. Historic properties are left open to destruction by other types of federal or federally assisted projects whenever the project is initially approved prior to the historic property's listing on the National Register. As the extent of federal assistance for highway construction, housing, and other activities grows, this gap in protection will become increasingly serious.

No considerations of public policy justify such emasculation of the Act and its historic preservation purposes. The sole claim advanced by the District Court to support its narrow interpretation of Section 106 was that "[a]ny other construction of the statute would place too great a burden on the urban renewal administrative process." This claim is without merit. Section 106 imposes a procedural requirement that federal agencies "take into account" the effect of federally assisted activities on historic properties listed on the National Register and afford the Advisory Coun-

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[11] Senate Hearing p. 15. The Director, Mr. Hartzog, also stated that "I think we have lost a great deal of the historic heritage of our Nation in the Urban renewal programs, and the Bureau of Public Roads program which have not been geared and oriented towards this facet of our heritage." *Ibid.*

cil on Historic Preservation a reasonable opportunity to comment. This procedural requirement involves only a minor burden on administrative officials, and does not demand unwarranted disruptions in executing federally financed projects.

The fact that a property had been listed on the National Register only after a project had been substantially completed could certainly be a factor that a government agency could consider in determining what provision, if any, should be made for the property. Similar considerations would bear on the propriety of injunctive relief for alleged violations of Section 106. National Register listing of an affected property may not always justify changes in a project that is already underway. But this possibility does not warrant a rule that relieves federal officials of any obligation even to consider the effect of a project's execution on historic properties.[12]

Congress conceived the Act as a great forward step in protecting historic properties. The construction of the Act embraced by the courts below defeats Congress' purpose and is wholly without justification. The ques-

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[12] The danger of disruptions in settled plans may be more illusory than real. If Section 106 were construed to protect properties listed after initial approval of a project, those responsible for the project would probably seek to deal with affected historic properties from the outset, before they had received National Register listing. In this case the Renewal Agency was notified of the historic importance of the properties involved as early as 1966. Aid is available to local renewal agencies for historic preservation even though the properties involved have not been listed on the National Register. See Title VI of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1278.

tion presented is one of first impression, has broad importance, and deserves review by this Court.

III.

Certiorari should be granted because action must be taken now to prevent further destruction of historic properties in the United States.

Our historic buildings and places constitute an irreplaceable national treasure that is being systematically destroyed by urban renewal, highway construction, and other federally financed instruments of demolition and dislocation. Congress enacted Section 106 of the Act for the express purpose of preventing such heedless destruction.

The decisions below severely restrict the scope of the Act and render it unenforceable for practical purposes. So long as these decisions are permitted to stand, federally assisted destruction of historic properties will continue virtually unabated. Moreover, the decisions below will have a chilling effect on the willingness of those concerned with historic preservation to litigate the issues involved anew. It may thus be some time before other federal courts will have an opportunity to consider the soundness of the rulings below, and further time would elapse before this Court would have an opportunity to resolve the issues if it awaits the development of a conflict between courts of appeals before acting. In the interim there would be irretrievable destruction of important historic landmarks. The Court should grant certiorari to prevent further irreparable injury to our national heritage.

CONCLUSION

For the reasons stated in this brief and in the petition for certiorari, certiorari should be granted.

Respectfully submitted,

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ANNEX

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On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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MOTION OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES FOR LEAVE TO FILE BRIEF AMICUS CURIAE

The National Trust for Historic Preservation in the United States, by its undersigned attorney, hereby respectfully moves the Court, pursuant to its Rule 42(3), for leave to file the attached brief *amicus curiae* in this case. The petitioners and the Solicitor General have consented to the filing of such brief, but certain respondents have not.

The National Trust for Historic Preservation in the United States ("National Trust") is the leading national organization in the field of historic preservation. Chartered by Congress in 1949 to preserve and administer historical properties and to advance the cause of historic preservation in the United States (63 Stat. 927, 16 U.S.C. § 468), the National Trust today has approximately 20,000 contributing members, including hundreds of national, state and local organizations dedicated to historic preservation. In addition to owning and maintaining important historic properties, the National Trust furthers the cause of historic preservation through extensive advisory and educational services.

This case raises two critical questions, the resolution of which will have a major impact upon Congress' long-established and mounting concern to protect and preserve properties of significant historic value. As noted in the attached brief, these questions concern the standing of private organizations and individuals interested in historic preservation to challenge violations by federal officials of a congressional statute designed to protect historic properties; and the scope of protection afforded historic properties by the National Historic Preservation Act of 1966 against destruction by urban renewal projects and other federally assisted projects. These issues have profound importance for historic preservation programs throughout the country. As the leading national organization in the field of historic preservation, the National Trust submits that it is especially well qualified to bring the far-reaching implications of this case to the Court's attention.

For the foregoing reasons, the National Trust respectfully prays the Court to grant it leave to file the attached brief *amicus curiae*.

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